

**UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

IN RE	:	CHAPTER 13
ANDRES C PINEDO	:	
Debtors	:	CASE NO. 5-19-bk-02045-MJC
	:	
JACK N. ZAHAROPOULOS	:	
CHAPTER 13 TRUSTEE,	:	
Movant	:	
	:	
vs.	:	
	:	MOTION TO DISMISS
ANDRES C PINEDO	:	
Respondents	:	

TRUSTEE'S MOTION TO DISMISS CASE

AND NOW, this 21st day of February 2025, Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania, by and through his attorney Agatha R. McHale, Esquire, hereby moves this Honorable Court to dismiss the above-captioned Chapter 13 bankruptcy case in accordance with §1307(c) for failure to account for non-exempt proceeds from potential personal injury/workman's compensation case in Debtor's Plan, and in support thereof, states as follows:

1. On May 10, 2019, the Debtor filed a Petition under Chapter 13 of the Bankruptcy Code. (ECF No. 1).
2. The Honorable Robert N. Opel, II confirmed the Debtor's Amended Chapter 13 Plan by Order dated May 8, 2020. (ECF No. 71) (the "Plan").
3. Pursuant to §1306(a), "property of the estate includes, in addition to the property specified in section 541 of this title...(1) all property of the kind specified in such section that the debtor acquires after the commencement of the case but before the case is closed, dismissed or converted..."
4. Non-exempt proceeds from potential personal injury/workman's compensation

case were not accounted for in Debtor's Plan.

5. Debtor has declined to modify the Plan to account for the non-exempt proceeds from potential personal injury/workman's compensation case.

6. The time for Debtor to complete plan payments has expired, and now modification of the Plan is no longer possible.

7. Accordingly, the Trustee hereby moves to dismiss the case.

8. Notice of Hearing is included with this Motion to Dismiss.

WHEREFORE, your Trustee respectfully requests your Honorable Court dismiss the case and grant any further relief that is equitable and just.

Respectfully submitted,

Date: February 21, 2025

/s/Agatha R. McHale, Esquire
Attorney ID: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: amchale@pamd13trustee.com

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NOTICE

NOTICE IS HEREBY GIVEN that Jack N. Zaharopoulos, Standing Chapter 13 Trustee for the Middle District of Pennsylvania filed a Motion to Dismiss on February 21, 2025.

If you object to the relief requested, you must file your objection/response on or before March 7, 2025 with the Clerk of Bankruptcy Court, U.S. Courthouse, 197 S. Main St. Wilkes-Barre, PA, and serve a copy on the Trustee and/or the United States Trustee.

A hearing has been scheduled for March 20, 2025 at 10:00 a.m. at U.S. Courthouse, 197 S. Main St. Wilkes-Barre, PA, and will be held regardless of any objections or responses having been filed.

Respectfully submitted,

Date: February 21, 2025

/s/ Agatha R. McHale, Esquire
Attorney ID: 47613
Attorney for Trustee
Jack N. Zaharopoulos
Standing Chapter 13 Trustee
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
Email: amchale@pamd13trustee.com

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CERTIFICATE OF SERVICE

I certify that I am more than 18 years of age and that on February 21, 2025, I served a copy of this Motion to Dismiss, Notice, and Proposed Order on the following parties from Hummelstown, PA, unless served electronically:

SERVED ELECTRONICALLY

UNITED STATE TRUSTEE
1501 NORTH 6TH STREET
P.O. BOX 302
HARRISBURG, PA 17102

MARK MOULTON, ESQUIRE
693 STATE ROUTE 739 STE 1
LORDS VALLEY, PA 18428

SERVED BY FIRST CLASS MAIL

ANDRES C PINEDO
137 MARIA LANE
DINGMANS FERRY, PA 18328

SEE ATTACHED MATRIX

I certify under penalty of perjury that the foregoing is true and correct.

Date: February 21, 2025

/s/ Tammy Life

Office of the Standing Chapter 13 Trustee
Jack N. Zaharopoulos
8125 Adams Drive, Suite A
Hummelstown, PA 17036
Phone: (717) 566-6097
email: info@pamd13trustee.com